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November 21, 1991

BY FACSIMILE - CONFIRMATION BY AIR MAIL

Mr. John H. Bass
Reddie & Grose
16 Theobalds Road
London WC1X 8PL
ENGLAND

Re: Chinese Pat. Appln. No. 89104935.5
Your File: 30591
Our File: PM-1322 (China)

Dear John:

Thank you for your November 4, 1991 letter reporting the official action in this case. I have taken the matter up with Philip Morris and recommend as follows:

With respect to the first paragraph of the detailed reasons, we agree with your recommendation to delete the second and subsequent objects of the invention from the introduction of the specification.

With respect to Paragraph 1, we have already accepted the limitation of claim 2 elsewhere, so that is not objectionable. As to the limitation of claim 9, we would argue against the Examiner's conclusion that air drawn over the hot heat source would not be heated sufficiently without the reflective inner wall. While the reflective inner wall possibly helps in raising the temperature of the heated air, that is not its purpose. Rather, it is present to keep the heat source above its ignition temperature between puffs. Even without the reflective surface, air passing over the heat source would be heated both by contact with the heat source and by the fact that it is "intercepting" all that heat that the Examiner is concerned would escape; the heat cannot escape without passing through that air and heating it.

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FISH & NEAVE

TO Mr. John H. Bass November 21, 1991

FOLIO 2

With respect to the features of claims 35-37, we would make the argument you propose.

With respect to Paragraph 2, the requirement is not objectionable.

With respect to Paragraph 3, we agree with you. The claim should end with the word "energy."

With respect to Paragraph 4, we take it that you suggest incorporating claim 28 into claim 1. If so, we agree.

With respect to Paragraph 5, we agree with you in accepting the Examiner's suggestion.

With respect to Paragraph 6, an appropriate amendment would be as follows:

> "38. The smoking article of claim 1 further characterized by spacer means located between said flavor bed and said heat source, and spaced away from said heat source, for maintaining ... ."

If necessary, the functional clause ("for maintaining ...") can be omitted.

With respect to Paragraph 7, we agree.

Please let me know if you need anything further.

Very truly yours,

JHI:bas

Jeffrey H. Ingerman

cc: Ms. Beverly A. Monroe [Fax - Confirmation By Mail]

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